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- compression encoding the source data into compression encoded data having a variable compressed data rate,
- concatenating said compressed data and ancillary data into a concatenated data stream, wherein a combined data rate of said concatenated data stream is less than or equal to a pre-determined maximum;
- whereby said ancillary data is concatenated with compressed data corresponding to two or more non-contiguous frames of video data.--

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--28(amended). A method as claimed in Claim 27, wherein the step of generating an encoded representation of said source data is formed using a discrete cosine transform.--

--29(amended). A method as claimed in Claim 28, wherein said compression encoding algorithm is an MPEG type algorithm.--

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REMARKS

This Amendment is responsive to the Office Action dated November 8, 2002. Claims 1-42 were pending in the application. In the Office Action, claims 1-42 were rejected. In this Amendment, claims 1, 9, 10, 20, 28 and 29 have been amended. Claims 1-42 thus remain for consideration.

Applicant submits that claims 1-42 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§112 Rejections

Claims 9, 10, 28 and 29 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 9, 10, 28 and 29 and submits that the claims are now in compliance with §112. Accordingly, Applicant requests that the rejections under §112 be withdrawn.

§102 and §103 Rejections

Claims 1-4, 8-11, 14-17, 19-23, 27-30, 33-36 and 38 were rejected under 35 U.S.C. §102(b) as being anticipated by Veltman (WO 94/30014).

Claims 5 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Veltman as applied to claims 1, 2, 4, 20 and 23, and further in view of Azadegan et al. (U.S. Patent No. 5,819,004).

Claims 17, 18, 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Veltman as applied to claim 1, and further in view of Iwamoto et al. (U.S. Patent No. 5,974, 225).

Claims 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Veltman as applied to claims 1 and 20, and further in view of Azadegan.

Claims 6 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Veltman as applied to claims 1, 20 and 23, and further in view of Dieterich (U.S. Patent No. 6,100,940).

Claims 7 and 26 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Veltman as applied to claims 1, 2, 20, 23 and 24, and further in view of Dieterich.

Applicant submits that the independent claims (claims 1 and 20) are patentable over Veltman, Azadegan, Iwamoto and Dieterich.

Applicant's invention as recited in the independent claims is directed toward a signal processor and method for compression encoding source data and concatenating the compressed data with ancillary data such that the combined data rate of the concatenated stream is less than or equal to a pre-determined maximum. The claims specify that "said ancillary data is concatenated with compressed data corresponding to two or more non-contiguous frames of video data."

Neither Veltman, Azadegan, Iwamoto nor Dieterich discloses concatenating ancillary data with compressed data corresponding to two or more non-contiguous frames of video data. Accordingly, Applicant believes that claims 1 and 20 are patentable over Veltman, Azadegan, Iwamoto and Dieterich – taken either alone or in combination – on at least this basis.

Claims 2-19 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-19 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

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Claims 21-42 depend on claim 20. Since claim 20 is believed to be patentable over the cited references, claims 21-42 are believed to be patentable over the cited references on the basis of their dependency on claim 20.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

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The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: B. Polito  
Bruno Polito  
Reg. No. 38,580  
(212) 588-0800

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 1, 9, 10, 20, 28 and 29 have been amended as follows:

--1(amended). A signal processor comprising:

- a data compression encoder which operates to compression encode source data into compression encoded data having a variable compressed data rate,
- a multiplexer coupled to said data compression encoder and arranged in operation to concatenate said compressed data and ancillary data into a concatenated data stream, and
- a control processor coupled to said multiplexer and arranged in operation to control said multiplexer whereby a combined data rate of said concatenated data stream is less than or equal to a pre-determined maximum;

whereby said ancillary data is concatenated with compressed data corresponding to two or more non-contiguous frames of video data.--

--9(amended). A signal processor as claimed in Claim 8, wherein said encoded representation of said source data is formed using a discrete cosine transform [or the like].--

--10(amended). A signal processor as claimed in Claim 9, wherein said compression encoding algorithm is an MPEG type algorithm [such as MPEG2 or the like].--

--20(amended). A method of processing source data comprising the steps of

- compression encoding the source data into compression encoded data having a variable compressed data rate,

- concatenating said compressed data and ancillary data into a concatenated data stream, wherein a combined data rate of said concatenated data stream is less than or equal to a pre-determined maximum;

whereby said ancillary data is concatenated with compressed data corresponding to two or more non-contiguous frames of video data.--

--28(amended). A method as claimed in Claim 27, wherein the step of generating an encoded representation of said source data is formed using a discrete cosine transform [or the like].--

--29(amended). A method as claimed in Claim 28, wherein said compression encoding algorithm is an MPEG type algorithm [such as MPEG2 or the like].--